

### **REMARKS**

Claims 1, 2, 4, 7, 11, 13, 14, 17, 34, 38, 61, 62, 64, 66, 68, and 70 are pending in the application. Claims 45, 48, 51, and 53 have been cancelled. Claims 1 and 11 are amended. The amendment to claim 1 is supported in the specification, for example, at paragraph [0111]. The amendment to claim 11 is to correct a typographical error.

#### **35 U.S.C. § 102 Rejections**

Reconsideration is respectfully requested of the rejection of claims 45 and 51 as anticipated by Klitsner et al. (US 2002/0122972) under 35 U.S.C. 102(b). Claims 45 and 51 have been canceled making this rejection moot.

Reconsideration is requested of the rejection of claims 1, 2, 4, 7, 11, 13, 17, 34, and 38 as anticipated by Minter et al. (US 2005/0095466) under 35 U.S.C. § 102(e).

The Office asserts that Minter et al. disclose

a biofuel cell that includes a biocathode and bioanode that each include the presently recited materials, including electron conductors..., electron mediators..., electrocatalysts..., enzymes..., and enzyme immobilization materials..., such as those with a micellar or reverse micellar structure....<sup>1</sup>

Minter et al. generally describe biocathodes and bioanodes as the Office describes, however, the biofuel cells described by Minter et al. are described in many embodiments as layered on an electron conductor.

In contrast, the claimed biofuel cells are fabricated on a substrate wherein the substrate "can be made of any material that is not conductive, will not passivate the conductive material of the microelectrode, to which the conductive material will adhere throughout processing, and to which molds can be reversibly sealed."<sup>2</sup> This element of a non-conducting substrate required by claim 1 and the claims that depend therefrom (e.g., claims 2, 4, 7, 11, 13, 17, 34, and 38) is not disclosed explicitly or inherently in the

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<sup>1</sup> See Id. at page 3.

<sup>2</sup> See specification at paragraph [0111].

Minteer reference. Thus, claims 1, 2, 4, 7, 11, 13, 17, 34, and 38 are not anticipated by Minteer et al. under 35 U.S.C. § 102(e).

### **35 U.S.C. § 103 Rejections**

Reconsideration is respectfully requested of claims 48 and 53 as unpatentable over Klitsner et al. Claims 48 and 53 have been canceled and thus, this rejection is moot.

### **Allowed Subject Matter**

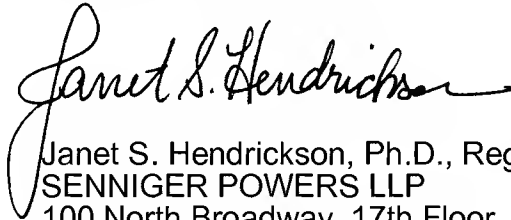
Applicants acknowledge the indication that claims 61, 62, 64, 68, and 70 are allowed. However, applicants believe that the current amendments to the claims along with the arguments render the remaining claims allowable as well.

**CONCLUSION**

Applicants submit that the present application is in condition for allowance and request early allowance of the pending claims.

The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, reading "Janet S. Hendrickson", with a stylized flourish at the end.

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